

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner objects to claim 27 because there is insufficient antecedent basis in the claim for “the data of unscheduled medical activities.” In response, the same has been amended to --the data of medical activities unscheduled--. Accordingly, it is respectfully requested that the objection to claim 27 be withdrawn.

The Examiner argues that the phrase “an arithmetic processing unit” added to claims 32, 33, 34, 37, 38 and 39 is new matter. In response, the same has been changed to --central processing unit--. The “central processing unit” is supported at least at Figure 2 of the present application as “CPU 13.” The “CPU 13” is also described in the Specification of the present application. Accordingly, it is respectfully requested that the objection to claims 32, 33, 34, 37, 38 and 39 be withdrawn.

In the Office Action, the Examiner rejects claim 27 under 35 U.S.C. § 101 as being directed to non-statutory subject matter because of the language “data indicating a name of a medicine in a broken injection bottle.” Applicants respectfully disagree.

Firstly, the Examiner cites MPEP 2106 as support for the argument that such phrase fails to comply with 35 U.S.C. § 101. Applicants remind the Examiner that the MPEP is merely an examining guideline for Examiners and does not carry the force of law. Applicants respectfully request that the Examiner support such argument with an applicable statute or legal precedent.

Secondly, Applicants submit that each word or term in a claim does not have to satisfy 35 U.S.C. § 101, but the claim as a whole. In this regard, claim 27 is directed to an

information system which is a statutory class, and which includes a terminal, a server system and a hospital information management system, all of which are statutory classes.

Lastly, claim 27 recites a transformation of the data at the terminal (a scheduled medical job data input/output unit inputting and outputting data of medical activities normally scheduled and transmitted as instructions from said server system according to a medical order; and an unscheduled medical job data input/output unit inputting and outputting data of medical activities unscheduled and not transmitted as instructions from said server system; wherein the data of unscheduled medical activities is medicine name data indicating a name of a medicine in a broken injection bottle).

Thus, Applicants respectfully submit that claim 27 complies with 35 U.S.C. § 101 as such has been interpreted by relevant legal precedent.

In the Official Action, the Examiner rejects claims 27 and 32-39 under 35 U.S.C. § 102(b) as being anticipated by JP 409245093A to Sasaki (hereinafter “Sasaki”). Additionally, the Examiner rejects claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Sasaki in view of U.S. Patent No. 6,790,198 to White et al., (hereinafter “White”).

In response, Applicants respectfully traverse the Examiner’s rejections under 35 U.S.C. §§ 102(b) and 103(a) for at least the reasons set forth below. However, independent claims 27, 32-34 and 37-39 have been amended to clarify their distinguishing features.

The amendments to the claims are fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to the claims.

With regard to claim 27 and 31, in the Office Action, the Examiner continues to indicate paragraphs [0028] and [0038] of Sasaki as the basis for the rejection of the features of claim 30, and indicates that “disposal” could be any broken injection bottle.

Applicants again respectfully disagree with the Examiner’s interpretation and reiterate that the term “disposal” in paragraph [0038] of Sasaki does not mean “abolishment” but means “process.” This is also clear from Fig. 22 of Sasaki. In other words, in Sasaki, “disposal” does not include a broken injection bottle. Therefore, the information system for use in a hospital according to claim 27 further including features from dependent claim 30 (now canceled) patentably distinguishes over that disclosed or suggested in Sasaki.

In item 16 of the outstanding Office Action, the Examiner indicates that Sasaki teaches the “arithmetic processing unit.” However, the Applicant submits that Sasaki fails to teach or suggest updating an application program executed by the “arithmetic processing unit.”

In paragraph [0029], Sasaki describes updating the nursing order information 34 and changing the displays of the nursing order designation field 1021 and work plan designation field 1022. However, all of the nursing order information 34, nursing order designation field 1021, and work plan designation field 1022 are completely different from the application program executed by the “central processing unit.” Therefore, Sasaki fails to teach updating the application program executed by the “central processing unit”, claim 32 (and also claims 35 and 36 depending on claim 32) patentably distinguish over Sasaki. Similarly, claims 33, 34 and 37-39 also patentably distinguish over Sasaki.

With regard to the rejection of claims 27 and 32-39 under 35 U.S.C. § 102(b), an information system (claims 27, 32-34), server system (claims 37 and 38) and terminal

(claim 39) having the features discussed above and as recited in independent claims 27, 32-34 and 37-39, is nowhere disclosed in Sasaki. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"¹ independent claims 27, 32-34 and 37-39 are not anticipated by Sasaki. Accordingly, independent claims 27, 32-34 and 37-39 patentably distinguish over Sasaki and are allowable. Claims 35 and 36 being dependent upon claim 34 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 27 and 32-39 under 35 U.S.C. § 102(b).

With regard to the rejection of claim 31 under 35 U.S.C. § 103(a), since independent claim 27 patentably distinguishes over the prior art and is allowable, claim 31 is at least allowable therewith because it depends from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejection of claim 31 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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